

**CWP (T) No. 2592/2008**

26.2.2009: Present: Mr. Ashutosh Burathoki, Advocate for the petitioner.

Mr. R.K. Sharma, Sr. Addl. A.G. with Mr. Rajinder Dogra,  
Additional Advocate General and Mr. Vikas Rathore, Deputy  
Advocate General for the respondents.

It is apparent from the pleadings and the documents annexed with the writ petition that no separate charge-sheet as envisaged under sub section (1) (b) of section 145 of the Himachal Pradesh Panchayati Raj Act, 1994 was served upon the petitioner. However, he remained suspended for more than six months. He was required to be served with a charge-sheet alongwith notice as stipulated under law. Mr. R.K. Sharma, Senior Additional Advocate General submits that now the fresh charge-sheet has been served upon the petitioner with a notice, however, the fact of the matter is that the petitioner could not remain suspended for more than six months as per sub section (3) of section 145 of the Himachal Pradesh Panchayati Raj Act, 1994. The order of suspension was thus required to be revoked immediately after the expiry of six months.

Accordingly, the writ petition is allowed. The impugned orders dated 1.8.2008 and appellate order dated 11.11.2008 are quashed and set aside. However, the respondent-State is at liberty to continue with the proceedings in accordance with law. No costs.

February 26, 2009  
\*Awasthi\*

**(Rajiv Sharma),  
Judge.**